

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SHIKEAL JENKINS, and
MCKENZIE MOE,
Individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

MORLEY COMPANIES,
INCORPORATED,

Defendant.

Case No. 1:20-cv-11921

Hon. Thomas L. Ludington

Magistrate Judge Patricia T. Morris

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ORDER GRANTING MOTION FOR SETTLEMENT APPROVAL AND
DISMISSAL OF LAWSUIT WITH PREJUDICE

After a review of Plaintiffs' Unopposed Motion for Approval of Settlement and Stipulation of Dismissal with Prejudice, ECF No. 40, the Settlement Agreement, and the Declaration of Plaintiffs' Counsel, the Court is satisfied that the settlement reached is a "fair and reasonable resolution of a bona fide dispute" under the Fair Labor Standards Act. *See, e.g., Dillworth et. al. v. Case Farms Processing, Inc.*, No. 5:08-cv-1694, 2010 WL 776933, at *9 (N.D. Ohio Mar. 8, 2010); *see also Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350 (11th Cir. 1982); 29 U.S.C. § 216.

It is therefore this 29 day of January 2021 Ordered and Adjudged as Follows:

1. The Proposed Settlement is APPROVED, including, but not limited to, the Service Awards, attorneys' fees and costs to Plaintiffs' Counsel, and Notice Process.

2. That for purposes of settlement a FLSA collective action is certified, consisting of the following:

The "Settlement Class" or the "Class" consists of all current or former employees of Morley employed as customer service representatives, except those who were only paid (a) using the "Mo-Time" or the "Shift Planning" self-reporting procedure or (b) who received "plug time," that were employed by Morley, anywhere in the United States, at any time from July 16, 2017 through the final disposition of this matter. Notwithstanding the foregoing exceptions, the Settlement Class includes all customer service representatives who have previously filed a consent to join this Lawsuit ("Named Plaintiffs and the Opt-In Plaintiffs") regardless of how they reported time but shall not include any person who either (a) never worked for Morley, or (b) last worked for Morley before July 16, 2017.

IT IS FURTHER ORDERED that:

- All capitalized terms not otherwise defined in this Order shall have the same meaning ascribed to them in the Parties' Settlement Agreement;
- JND Legal Administration will serve as "Settlement Administrator" in providing notice, claim process and administration services under the Settlement Agreement;
- Named Plaintiffs are appointed as representatives for the Settlement Class; and
- Plaintiffs' Counsel (Jennifer McManus (P65976) of Fagan McManus, P.C. and Clif Alexander and Austin W. Anderson of Anderson Alexander, PLLC are approved as Class Counsel for the Settlement Class.

IT IS FURTHER ORDERED that the form and content of the Notice of Proposed Settlement and the Claim Form attached to the Motion to Approve Settlement are adequate, proper, comport with Due Process, and they are hereby approved and authorized for distribution to Class Members;

IT IS FURTHER ORDERED that Counsel for the Parties are hereby authorized to jointly use all reasonable procedures in connection with approval and administration of the settlement that are not materially inconsistent with this Order or the Settlement Agreement, including making, without further approval of the Court, minor changes to the form or content of the Notice, moderate extensions of

time that do not alter effective dates, and minor changes to other exhibits that they jointly agree are reasonable or necessary.

IT IS FURTHER ORDERED that this case be and is DISMISSED with Prejudice and without attorney fees or costs, except as provided in the Settlement Agreement.

Dated: February 3, 2021

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge